

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STEEL, PAPER AND FORESTRY,	)	CASE NO. 4:11-cv-15497
RUBBER, MANUFACTURING, ENERGY,	)	
ALLIED INDUSTRIAL AND SERVICE	)	UNITED STATES DISTRICT JUDGE
WORKERS INTERNATIONAL UNION,	)	GERSHWIN A. DRAIN
AFL-CIO-CLC, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
KELSEY-HAYES COMPANY, TRW	)	
AUTOMOTIVE INC., <i>et al.</i> ,	)	
	)	
Defendants.	)	

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**PLAINTIFFS' AND DEFENDANTS' JOINT STIPULATION TO STAY EXECUTION  
OF JUDGMENT OF ATTORNEYS' FEES AWARD PENDING DISPOSITION OF  
DEFENDANTS' APPEAL**

On June 12, 2013, the Court entered an Order “Granting In Part Class Representatives’ Post-Judgment Motion For Attorney Fees And Expenses” which ordered defendants to pay \$520,516.50 in attorney fees and \$4,248.96 in expenses. (Doc. 83). Plaintiffs and defendants hereby enter the following stipulation pertaining to the Court’s attorney fees and expenses award:

1. Plaintiffs will not seek to enforce the Court’s attorney fees and expenses award until the conclusion of defendants’ pending appeal with the Sixth Circuit Court of Appeals, case no. 13-1717. In the event the Sixth Circuit upholds the Court’s attorney fees and expenses award, in whole or in part, defendants agree to pay the upheld portion of the Court’s award within thirty days of the Sixth Circuit’s decision.

2. Within 7-days of the filing of this stipulation, defendant Kelsey-Hayes Company, on behalf of itself and co-defendants TRW Automotive, Inc., and TRW Automotive Holdings Corp., will obtain and file with the Court a supersedeas bond in the amount of \$530,897.91 - which is the entire amount of the Court’s attorney fees and expenses judgment plus two years of interest at the rate prescribed under 28 U.S.C. § 1961, plus taxed costs in the amount of \$4,754.81. This bond will act as security for the Court’s attorneys’ fees and expenses award. This computation does not preclude plaintiffs from seeking an alternative interest measure, computation or amount after the completion of defendants’ pending appeal with the Sixth Circuit.

3. If the Court’s summary judgment opinion and judgment (Doc. 65 and 66) is affirmed on appeal, defendants acknowledge plaintiffs’ entitlement to an award of attorney fees and expenses, and that entitlement is not an issue on appeal. Rather, defendants will be challenging the amount of the Court’s attorney fees and expenses award. If the Court’s summary judgment opinion and judgment is reversed, in whole or in part, the parties agree that this Stipulation does not affect any rights defendants may then have to challenge plaintiffs’ entitlement to attorney fees and expenses judgment in light of the Sixth Circuit’s ruling on the merits.

/s/ Stuart M. Israel

Attorney for Plaintiffs

/s/ Gregory V. Mersol

Attorney for Defendants

IT IS SO ORDERED:

/s/ Gershwin A. Drain

United States District Judge Gershwin A. Drain

July 11, 2013

Date

**CERTIFICATE OF SERVICE**

I hereby certify that on July \_\_, 2013, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Gregory V. Mersol  
*One of the Attorneys for Defendants*